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S E C R E T SECTION 01 OF 02 NAIROBI 000566

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SUBJECT: (S/NF) NEW DEFENSE MINISTER WELCOMES U.S.
COOPERATION AND OPERATIONS

REF: NAIROBI 462 (AND PREVIOUS)

Classified By: PolCouns Michael J. Fitzpatrick; Reasons: 1.4 (a,b,c,d)

11. (S/NF) SUMMARY: During the Ambassador's initial courtesy call, Kenya's new Defense Minister asked the Ambassador to help find a way out of the Article 98 impasse and for approval of Kenya's plan to purchase Saudi F5s. Minister Karume was appreciative of U.S. efforts to stop piracy of Somalia and other steps to assist the Somali Transitional Federal Government. Karume also directed his staff to begin joint planning with the U.S. on first-ever U.S.-Kenya military operations in North-Eastern Province, bordering Somalia. END SUMMARY.

12. (C) The Ambassador called on new Kenyan Defense Minister Njenga Karume at his office at KDOD Headquarters (Ulinzi House) the morning of January 31. (Karume was appointed to the post only in December.) DATT, KUSLO Chief and PolCouns (notetaker) accompanied. The Ministry's Permanent Secretary Zachary Mwaura, Vice Chief of the General Staff Karangi, the minister's personal assistant, and MFA Americas Desk officer Daniel Tanui joined Minister Karume. The Minister was personable and animated, even if occasionally reduced to reading his talking points verbatim, during the one-hour meeting.

13. (C) ARTICLE 98: Minister Karume stressed his desire to continue Kenya's "long and close" cooperation with the United States in defense matters. Kenya, in fact, would like to deepen those ties. But the Kenyan government's inability to sign an Article 98 agreement has complicated matters. Karume suggested that a string of 2005 incidents demonstrated that Kenya works with the U.S. to resolve amicably legal issues arising from actions by U.S. military personnel. Noting Kenya's pattern of cooperation, history as a repeated target of al Qaeda terrorism and the existence of a Status of Forces agreement, he asked if a way could be found to resume suspended military training and assistance in the absence of a formal agreement. And why was the Kenyan military singled out now?

14. (C) Ambassador explained that the need for an Article 98 agreement was the result of a law passed by Congress, and applied around the world, not just targeting Kenya. Nor, he noted, does the SOFA cover civilian Americans. And the issues relate to the ICC and the potential for politicized war crimes prosecutions, not Kenyan prosecution of traffic accidents or other incidents. The Ambassador also explained that ESF funding was similarly affecting assistance to some civilian ministries as well.

15. (C) SOMALI PIRATES: Minister Karume expressed strong support and appreciation for U.S. capture of Somali pirates (reftel). He promised Kenyan will work with the U.S. and others to ensure successful prosecution. Ambassador thanked him for Kenya's agreement to hold them and encouraged Kenya to successfully prosecute the brigands. (NOTE: Kenya has since agreed to do so. END NOTE.) In response to a question by the Deputy CGS, the Ambassador explained the U.S. is quite active diplomatically in supporting the Somali Transitional Federal Government, but that military assistance was out of the question at this time -- not least because of the continuing UN arms embargo.

16. (C) F5s FROM SAUDI ARABIA: Karume sought U.S. assistance in permitting Saudi Arabia to sell used F5 aircraft to Kenya. He stressed repeatedly that the F5s were only an interim fix for Kenya's air protection needs. Noting Kenya's ability to pay Saudi Arabia, he stated "we need them yesterday." Ambassador stressed the USG has no objections to the sale proceeding. While we thought the F5s were perhaps not Kenya's best choice of how to spend its scarce defense resources, that is Kenya's choice to make. The problem is procedural. Saudi Arabia's request to the USG to sell to Kenya had lapsed before Kenya ever provided the required End Use Monitoring Certificates. The Ambassador suggested (as he did the previous day to the Foreign Ministry's Permanent Secretary) that Kenya encourage Saudi Arabia to resubmit its

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application in Washington -- and that Kenya resubmit its End Use certification in Washington immediately thereafter.

17. (S/NF) BORDER OPERATIONS: The Ambassador reviewed for the new minister the nature of the extremist threats resident in Somalia and their impact on Kenya. He explained in some detail the concept under consideration for U.S.-Kenya military cooperation in North Eastern Province, which borders Somalia. During this time, the U.S. would look to increase Civil Affairs programs in the province. He suggested the minister consider the concept a land-based analogy to the successful maritime efforts conducted at Manda Bay, Coast Province. He noted that President Kibaki had been enthusiastic about the proposal.

18. (S/NF) Defense Minister Karume agreed readily -- both as to the threat and the proposed response. He was evidently pleased to hear from the Ambassador that the Transitional Federal Government of Somalia, including President Yusuf and major Mogadishu warlords, would also welcome the effort. He agreed with including police and wildlife service (KWS) personnel with arrest authorities in the effort. He agreed that KDOD and Embassy military planners should launch a joint planning cell within days to propose an operational plan for proceeding. Karume concluded by emphasizing his and the President's desire to increase military and security cooperation with the U.S.

19. (S/NF) COMMENT: Though still getting on top of his brief (he was evidently starting at Square One re Article 98), Karume sent a clear message of seeking close and productive engagement with us. A longtime close personal friend of President Kibaki, Karume also signaled that he and the President are of one mind in this regard. We consider him to be a strong advocate for the U.S. and would hope he is able to carry our brief in improving U.S.-Kenya cooperation, particularly in the CT arena. His approval of a planning cell for forthcoming border operations is certainly an excellent start. END COMMENT.
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